

### REMARKS

The Office Action mailed 24 March 2005 has been received and considered.

#### **Claim Rejection under 35 U.S.C. 112:**

Claims 1-21 and 27-29 stand rejected under the provisions of 35 USC 112.

With respect to the rejection of claims 1 and 2, these claims have been cancelled thereby rendering their rejection moot. Similarly, with reference to the rejection of claims 17 and 19-21, these claims have been cancelled thereby rendering their rejection moot. In Claim 18 the language “the or each” has been deleted thereby obviating the basis of the rejection. In Claim 27, the dependency from Claim 11 has been deleted thereby removing the basis of the rejection.

The applicant respectfully submits that the remaining claims, namely claims 3, 5, 6, 7, 18, 28 and 29, no longer appear to incorporate, neither directly or indirectly, any of the language which formed the basis of the Examiner’s rejection. It follows that these claims should now be allowable under 35 USC 112.

Reconsideration of applicant’s claims and a withdrawal of the rejections under 35 USC 112 is respectfully requested.

#### **Claim rejection under 35 USC 102:**

Claims 1-4, 8-17, 19-26 and 30-31 stand rejected under 35 USC 102(b) over Cunniffe. The rejection of Claims 1, 2, 4, 8-17, 19-24, 26, 30 and 31 has been rendered moot by the cancellation of these claims without prejudice or disclaimer. Of the referenced claims only Claim 25 remains pending.

As amended, Claim 25, requires that “the work platform is suspended by suspension means to its operative position so that at least part of the weight of the work platform, roofing materials carried thereby, working tools and worker carried thereby is **not totally transferred** to and supported by the roof structure.” (Emphasis added)

Applicant respectfully submits that this particular method step is not taught in the Cunniffe reference.

Cunniffe does not teach the art to avoid transferring all of the weight of the platform, roofing materials, working tools and the worker to the roof structure or alternatively the work object. In contrast, the platform of Cunniffe is lifted onto a roof structure and is thereafter secured to the roof structure by mounting feet which rest directly on the rafters. Indeed, the mounting feet are directly fastened to the rafters according to the Cunniffe reference. Following the teachings of the Cunniffe reference, the entire weight of the platform, roofing materials, working tools and the worker is effectively transferred to and supported by the roof structure. The lifting harness and the crane referenced at column 5 in the Cunniffe disclosure is used to lift the platform into position on the roof structure and to remove it once the work operation is completed. Cunniffe appears to contain no teaching that the lifting harness and the crane are to be used to support any of the weight of the platform, roofing materials, working tools and the worker once the platform has been positioned on the roof structure. It follows that according to the Cunniffe reference the roof structure itself supports the entire weight of the platform, the roofing materials, working tools and the worker from the time the platform is positioned and secured on the roof structure until it is subsequently removed from that structure upon the completion of the work. Resultingly, applicant submits that the Cunniffe reference fails to anticipate the instant claim 25 in view of Cunniffe's lack of any teaching to avoid transferring the entire weight of the platform, roofing materials, working tools and worker to the roofing structure during the work operation.

In view of the above considerations, applicant respectfully requests reconsideration of Claim 25 and the withdrawal of the rejection of that claim under 35 USC 102(b).

**Claim rejection under 35 USC 103:**

Claim 28 stands rejected under 35 USC 103 over Cunniffe in view of Green. Applicant respectfully submits that claim 28, as amended, is neither taught nor suggested by the disclosures of Cunniffe and Green, either individually or in combination.

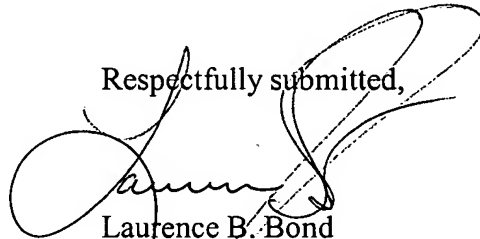
As amended, Claim 28 requires a “cushion means... [which] provides a cushion between the work platform and the roof or top surface of the vehicle but without all of the weight of the work platform bearing on the roof or top surface of the vehicle through the cushion means. (Emphasis added). As noted above in the discussion regarding the rejection under 35 USC

102(b), the Cunniffe reference does not teach nor suggest avoiding the placement of the entire weight of the work platform on the roof structure or the top surface of a vehicle. To the contrary, Cunniffe teaches the art to place all of the weight of the work platform on the roof structure. Likewise, Green does not appear to teach or suggest the placement of only a portion of the weight of the work platform on a roof structure. In the absence of any teaching in either reference to avoid placing the entire weight of the platform and its contents on the roof structure, it follows that any combination of the teachings of Cunniffe and Green would likewise neither teach nor suggest the avoidance of placing all of the weight of the work platform on the roof structure. In view of this consideration, applicant respectfully submits that the rejection of Claim 28 under 35 USC 103 must be withdrawn.

**Conclusion:**

In view of the above considerations, applicant respectfully requests reconsideration of his application. It is submitted that the claims, as amended, define over the cited art and therefore the claims are presently in condition for allowance. The issuance of a notice of allowance is therefore requested.

Respectfully submitted,



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